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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,238	12/05/2001	James G. Shanahan	D/A1320	8310

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XEROX CORPORATION
100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR
ROCHESTER, NY 14644

EXAMINER

RIES, LAURIE ANNE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/683,238

Applicant(s)

SHANAHAN ET AL.

Examiner

Laurie Ries

Art Unit

2176

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6, 8-14, 16-18 and 21-24.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
3/27/2006

Applicant's arguments filed 17 March 2006 have been fully considered but they are not persuasive. Applicant argues on Pages 3-5 of the Instant Amendment that Horwitz '647 in combination with Horowitz '987 and Mocus fails to teach that context information is recorded with a reader when a personality identifier is used for identifying the document content with the reader and for assigning different personality identifiers depending on what time of the year the personality identifier is recorded by the reader. The Office respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the use of "context" as recited in claim 1 concerns information related to the "time" a personality identifier is recorded by the reader, which "time" is used in assigning different personality identifiers to a document depending on what time of year the personality identifier is recorded by the reader) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Mockus teaches a system and method of using a set of infoVis components that can be placed and linked within a standard HTML document, initialized to focus on key analysis results, and directly manipulated by readers to explore and analyze data further (See Mockus, Page 181, Abstract). Horowitz '987 teaches recording various personality identifiers arranged as topic ID's and supertopic ID's (See Horowitz '987, Column 10, lines 29-41). Horowitz '987 also teaches that the personality identifiers are arranged as subtopic ID's and supertopic ID's in response to user input of a desired type of topic arrangement or automatically (See Horowitz '987, Column 10, lines 32-36). Additionally, Mockus teaches that components may be added to documents based upon seasonal events, such as NASCAR races (See Mockus, Pages 183-184, Sections 5-5.1). As sporting events such as NASCAR races include numerous individual events occurring at specific periods of time, it would have been obvious to one of ordinary skill in the art to assign different personality identifiers, or subtopic ID's, to the document based upon the time of year, which would include the current status of the NASCAR race season. For example, a document annotated in the early part of the NASCAR season, such as February, would contain personality identifiers for the results of races occurring in the early part of the season only. Continuing with this example, a document annotated in the later part of the NASCAR season, such as November, would contain personality identifiers for the final season statistics. The motivation would have been to allow a user to view annotated data including results for races occurring at different times during the NASCAR season (See Mockus, Page 184, "Potential User Interactions").

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
3/27/2006